

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

LAUREN HARVIN,

Plaintiff

v.

SUPERINTENDENT LAWRENCE  
MAHALLY, *et al.*,

Defendants

Civil No. 3:17-cv-2254

(Judge Mariani)

**ORDER**

**AND NOW**, this 7<sup>th</sup> day of March, 2019, upon consideration of Defendants' motion (Doc. 16), and for the reasons set forth in the Court's Memorandum of the same date, **IT IS HEREBY ORDERED THAT:**

1. The motion (Doc. 16) to dismiss is **GRANTED** in part and **DENIED** in part as follows:
  - a. The motion is **GRANTED** with respect to Plaintiff's claims for monetary relief against the Defendants in their official capacities. These claims are **DISMISSED** in their entirety.
  - b. The motion is **GRANTED** with respect to the claims against Defendant Mahally based on lack of personal involvement. The Clerk of Court is directed to **TERMINATE** Lawrence Mahally as a party to this action.
  - c. The motion is **DENIED** with respect to the claims against Defendants Zakarauska, Demming, Verbyla, Goyne, and White based on lack of personal involvement.
  - d. The motion is **GRANTED** with respect to the Equal Protection Claim. This claim is **DISMISSED** in its entirety.

2. The motion (Doc. 16) for summary judgment based on failure to exhaust administrative remedies is **DENIED**.
3. Defendants Zakarauska, Demming, Verbyla, Goyne, and White shall file an answer to the remaining claims in Plaintiff's complaint (Doc. 1) or appropriate pretrial motion on or before March 28, 2019.

A handwritten signature in black ink, appearing to read "R. Mariani", written over a horizontal line.

Robert D. Mariani  
United States District Judge